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DD/A Registry
78-0866

OLC 78-0355

19 January 1978

MEMORANDUM FOR THE RECORD

SUBJECT: 11 January 1978 (Evening) Meeting Re SSCI Draft Title I, Intelligence Charter Legislation

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1. On 11 January 1978 members of OLC [redacted] met with Elliot Maxwell and Pat Norton, Senate Select Committee on Intelligence staff, to discuss issues relating to the SSCI's latest version of Title I of the intelligence charter legislation. Also present were representatives of the House Permanent Select Committee on Intelligence, Bill Funk and Mike O'Neil. Tom Latimer, of the HPSCI staff, and Bill Miller and John Elliff, of the SSCI staff, were present for a portion of the meeting.

2. The purpose of the meeting was to allow Agency representatives to raise specific issues in Title I with a view to underscoring the problems posed thereby to the Agency. It was made clear to all attendees that any discussion on the issues was entered into in an unofficial manner and in no way represents or should be construed as representing the official CIA position on the issues.

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3. At 1:00 p.m. on 11 January, in preparation for subject meeting, an "in-house" meeting chaired by [redacted], Associate Director-Management, NFAC, was held to focus attention on the 9 January 1978 SSCI draft Title I with a view to underscoring the major problematic issues found therein in order to arm those who would represent the Agency at the evening meeting with the SSCI staff. Present at the "in-house" meeting were representatives of DDA, DDS&T, DDO, NFAC, OLC, OGC, IG and O/Comptroller.

4. At the 11 January evening meeting held at the U.S. Capitol, CIA representatives raised and discussed some 34 issues (see "11 January 1978 Meeting Re SSCI Draft Title I" issues paper distributed 13 January 1978). In general SSCI staff was receptive to CIA comments, in some cases agreeing to make suggested changes, in other cases agreeing to look anew at the issue and draft language or asking for further clarification or draft language from CIA, and in a few instances disagreeing altogether with our point of view.

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6. In closing, SSCI staff indicated their intention of distributing new draft Titles I, II and possibly III and IV the week of 16 January 1978.

[redacted] STAT

Distribution:
1 - OLC Subject
1 - OLC Chrono
1 - OGC
STAT 1 - IC Staff, [redacted]
STAT 1 - [redacted]
1 - DDA
1 - DDS&T
1 - DDO
1 - NFAC
1 - IG
1 - O/Compt
OLC:RJW:sm (18 Jan 78)

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11 JANUARY 1978 MEETING RE SSCI DRAFT TITLE I

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1. On 11 January 1978 members of OLC [redacted] as well as [redacted] IC Staff, met with Elliot Maxwell and Pat Norton, Senate Select Committee on Intelligence staff, to discuss issues relating to the SSCI's latest version of Title I of the intelligence charter legislation. Also present were representatives of the House Permanent Select Committee on Intelligence, Bill Funk and Mike O'Neil. Tom Latimer, of the HPSCI staff, and Bill Miller and John Elliff , of the SSCI staff, were present for a portion of the meeting.

2. The purpose of the meeting was to allow Agency representatives to raise specific issues in Title I with a view to underscoring the problems posed thereby to the Agency. It was made clear to all attendees that any discussion on the issues was entered into in an unofficial manner and in no way represents or should be construed as representing the official CIA position on the issues.

3. Attached are the issues raised and discussed at subject meeting, as well as the positions taken by the various parties present.

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Page 3, section 103(1): why is the phrase "national defense" used instead of "national security"?

Elliot Maxwell explained that the phrase "national security" is a hollow and infinitely expandable phrase, one that has no meaning anymore.

Bill Funk agreed with the Agency and IC Staff viewpoint that the phrase national defense has a distinctly narrow military implication which tends to totally ignore such concerns as economic intelligence.

Pat Norton expressed surprise that we would have problems with the phrase "national defense."

Elliot Maxwell ended the discussion by stating that he would like from us specifics as to what we consider encompassed in the phrase "national security."

Synopsis:

1. No split on SSCI side visible on this issue.

2. HPSCI (Bill Funk) sides with CIA on this issue.

3. Maxwell willing to leave this issue open to further discussion.

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Page 3, section 103(4): why is the phrase "executive, legislative, and judicial branches" used in the context of this subparagraph?

OLC, OGC/CIA stated that as written the phrase makes the legislative and judicial branches foreign intelligence consumers, viz., statutory clients of the Intelligence Community. Such statutory language extends the Agency's responsibilities to the Executive Branch to the Legislative and Judicial Branches as well. Agency participants stressed that the codification of the Legislative and Judicial Branches as statutory foreign intelligence consumers and the DNI's duty to supply each Branch with national intelligence information was particularly evident on page 16, sub-paragraph (f)(1).

Elliot Maxwell stated that it was not the intent of the drafters to make the Legislative and Judicial Branches co-equal with the Executive Branch in terms of being statutory foreign intelligence consumers but to give the Legislative and Judicial Branches access to "accurate, relevant, timely information and analysis as may be necessary to enable those branches to make sound and informed decisions" (page 3), or as expressed on page 16, to make available to those Branches "national intelligence information and analyses needed by such branches to fulfill their responsibilities under the Constitution and laws of the U.S. ..."

CIA representatives stressed that notwithstanding the intent of the drafters, such language could be misconstrued to mean that Congress and the Judiciary are in fact and by statute foreign intelligence consumers co-equal with the Executive Branch in this regard. The point was also raised that this provision could be construed as extending to the judiciary a "sword" to require that the Executive provide intelligence information, arguably, perhaps, in open session.

Pat Norton tried to compromise first by saying that we could replace "executive, legislative and judicial branches" with the word "Government." He then suggested that section 4 might be rewritten in pertinent part to read:

> "(4) to ensure that the executive branch and as necessary and in accordance with the Constitution and laws of the U.S. the legislative and judicial branches are provided ..."

Synopsis:

1. SSCI may be split on this issue.

2. Pat Norton of the SSCI may provide a moderating, pro-Agency influence vis-a-vis Elliot Maxwell on this point.

3. HPSCI did not take sides on this issue.

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4. Maxwell did not appear totally intransigent in his position on this issue.

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Page 10, section 105: why is "counterterrorism considered an intelligence activity?

CIA/IC Staff stated that as a general proposition the Agency and particularly DDO does not consider counterterrorism as an intelligence activity. DDO does not want counterterrorism to be considered as a national intelligence activity. CIA may collect counterterrorism intelligence which supports counterterrorism activities conducted by other elements within the U. S. Government but CIA does not engage in counterterrorism activity. Mention was made of the fact that a similar problem as raised here exists elsewhere in the draft.

Bill Funk cautioned that even though DDO does not want to be charged with counterterrorism activity responsibility, maybe at sometime in the future DDO would want this responsibility.

Elliot Maxwell indicated that he would like to hear more from the DDO on this topic, especially the reasons why the DDO opposes getting involved in or being associated with counterterrorism activities.

Synopsis:

1. There is confusion as to what is meant by counterterrorism.

2. Elliot Maxwell may be able to be "educated" to our point of view.

3. HPSCI seems to be saying, "Beware CIA, don't sew yourself into a statutory box on this issue."

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Page 10a, section 106(a): what is the purpose or legislative intent behind this whole section?

Elliot Maxwell stated that the intent in this section is to give the President authority to place activities carried on by Government agencies/departments outside of the IC within the DNI's authority as a national intelligence activity. The example given by Maxwell was the case of the Department of Agriculture engaging in crop analyses which arguably are of national intelligence value.

CIA indicated that in its view the same thing could be done by definition.

Synopsis:

1. No decision arrived at re subsection (a).

2. The operative effect of subsection (a) is to force the DNI to address the "intelligence vs. intelligence-related activities" issue.

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Page 10a, section 106(b): what is the purpose of having this subsection since the same information is presented in the annual budget report?

IC Staff stated that as written this subsection is unacceptable since the requirement of reporting both to the President and the Congress could cause friction if, for example, the President does not accept the report or portions of the required report and, notwithstanding the Presidential disapproval, the DCI must present the report to Congress.

Elliot Maxwell agreed to drop the congressional review in subsection (b).

Synopsis:

1. Subsection (b) will be modified to reflect [redacted] comments. STAT

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Page 13, portion of subsection (g) appearing thereon:

CIA pointed out ambiguity of the language as written, i.e., that the qualifying language "whenever there is no Deputy Director" applies to all three specified instances in which the designated ADNI would act in place of the Director.

Elliot Maxwell agreed to address it in terms of remedying the ambiguity.

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Page 14, section 108(b): the same counterterrorism comment was raised here as raised under section 105 at page 10.

Bill Funk pointed to the definition of counterterrorism, as it appeared in the 18 October 1977 draft Title I, to argue that since this definition of "counterterrorism activity" includes the collection, retention, processing, analysis and dissemination of counterterrorism as well as any activity to prevent or counter an international terrorist activity perhaps CIA might want to look more closely at its position.

CIA pointed out that it is not certain that the definitions section in the latest SSCI draft will be the same as the definitions section found in the 18 October draft.

Elliot Maxwell agreed to consider all counterterrorism comments when he has an opportunity to discuss the issue with DDO.

Synopsis:

1. HPSCI again cautions CIA not to be premature in its position on this point (see comments herein on section 105 at page 10 of the draft).

2. Point still open for discussion with SSCI.

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Page 14, section 108(c): what is the meaning and operative effect of the term "ensure"?

CIA raises the question of the meaning and operative effect of the term "ensure." It was argued by CIA representatives that it creates an impossible task.

Elliot Maxwell agreed that this subsection is not couched in terms of an obligation. It merely says that the topics raised in subsection (c) should be of concern to the DNI, that the DNI should be monitoring the various areas mentioned to make sure problems do not occur.

Bill Funk sided with CIA stating that such statutory language could have an operative effect of creating whole bureaucratic offices just to monitor and "ensure" each topic mentioned.

Elliot Maxwell agreed to consider alternate language from CIA to take the place of "ensure."

Synopsis:

1. the issue is not settled; Elliot Maxwell willing to read and consider our language.

2. HPSCI sides with CIA on this issue.

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Page 14, section 108(b): with regard to the issue of the responsibilities of the DNI, SSCI attendees agreed to look at the Executive Order to consider how to handle this issue.

Page 15, section 108(d): CIA indicated that this subsection causes confusion as to who heads the CIA. SSCI attendees agreed to clarify the language here.

Page 15, section 108(e): CIA expressed its displeasure with the use of the phrase "responsible for." It was stressed that instead of making the Director "responsible for" collection he should be given "authority to collect." If this was the Committee's intention, the language as written does not reflect that intention. SSCI attendees agreed to clarify this issue.

Page 16, section 108(e)(3): CIA argued that this subsection is too restrictive and that the phrase "utilizing human sources" may be construed as limiting the Director to coordinating only foreign intelligence gathered by human sources. What about collection by technical means? SSCI attendees agreed to consider striking the phrase "utilizing human sources." In the alternative they will consider changing "utilizing" to "including the utilization of human resources."

Page 16, section 108(f)(2): CIA questioned the use of the qualifiers "fully" and "carefully" in statutory language. SSCI attendees agreed to consider changing this subsection.

Page 17, section 108(g)(2): CIA questioned the meaning and the value of the phraseology "increase the usefulness" in statute. Bill Funk agreed with CIA stating this was an example of legislating "micromanagement." He argued that such things should be considered in the section 108(c) subsection. SSCI attendees will consider our revision of 108(c) as previously mentioned herein.

Page 17, section 108(g)(3): CIA raised the issue of whether this subsection "requires" access. SSCI did not address this issue but argued that the safeguard herein is the phrase "is relevant to." CIA countered by questioning who is to make such a determination. CIA expressed the opinion that this subsection, along with the preceding subsection, serve no purpose.

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Page 18, section 108(j)(1)(c): whether international agreements referred to therein must be sent to Congress 30 days before entered into and whether such should be transmitted under an injunction of secrecy?

CIA argued that the "30 days before" should be replaced by "60 days after" to make this provision comparable with the reporting requirement in the Case Act.

Bill Miller supported a compromise position that would have the Director advising the appropriate committees of Congress of proposed intelligence liaison agreements that are "international agreements," in addition to passing the written text of such agreements within 60 days of implementation.

Synopsis:

1. SSCI split on this issue. Influence of Bill Miller resulted in the compromise.

2. Others on SSCI staff seemed to go along with the compromise.

With regard to the "injunction of secrecy" issue, Elliot Maxwell argued that it need not be mentioned since S. Res. 400 covers this. CIA argued that even if it does, S. Res. 400 still must be incorporated into the legislation to be effective therein. No agreement was reached on this issue.

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Page 18, section 108(1): Sources and Methods issue.

CIA argued that as written, and since this is the only reference to such authority, this language re sources and methods is unacceptable and that as a minimum we would accept nothing less than the statutory authority presently in existence. As written the SSCI language grants sources and methods authority only insofar as the Director is given authority to develop "common security standards."

Elliot Maxwell took note of our position on this issue but did not indicate which way he would come out on this point in the new draft.

Synopsis:

1. CIA made its position unequivocably clear on this point.

2. Elliot Maxwell did not indicate one way or another whether our comments would be reflected in his next draft.

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Page 20, section 108(n): issue regarding termination authority.

CIA stated that the draft language limits the Director's termination authority to "national security" situations and questioned why the draft departs from current statutory language. Moreover, CIA argued that the language as written would require each case of authority exercised thereunder to be reported.

Elliot Maxwell agreed to receive our redraft of this section and take our language into consideration. He indicated that the Committee is concerned that the termination authority be available only for what in effect would be cases concerning security problems (not e.g., for "RIFs"). Mr. Maxwell indicated some additional background information would be welcome.

Synopsis:

1. Issue still open for discussion.

2. CIA to provide redraft.

3. Maybe some confusion within SSCI staff as to the appropriate scope of the termination authority.

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Page 20, section 108(o): CIA pointed out that the language of this subsection would arguably allow the DCI to get around the FOIA. It was agreed that some limitations such as the phrase "in accordance with applicable laws and regulations" should be added to the end of the first sentence of this subparagraph.

Page 21, section 108(p): The overlap between this subsection and the general provisions and intent of subsection 108 (c) were noted. This overlap should be taken care of in our redrafting of the 108 (c) subsection (see appropriate comment herein).

Page 23, section 110 (a): CIA raised two issues in this subsection: (1) why aren't the Assistant DNI's placed at a level III on the Executive Schedule, and (2) why are these positions politicized by making them subject to the advice and consent? The discussion that ensued re the level of compensation centered on comparable positions in other Government agencies. No strong argument was leveled against the level III position. With regard to the "advice and consent" argument, our position was noted.

Page 24, section 111: CIA questioned the purpose of this whole section and stressed that as written it reads almost as if to say that nothing is delegable hereunder unless done pursuant to section 111.

Elliot Maxwell stated that one reason for section 111 is the concern of preventing the DNI from ultimately shrugging off his responsibilities to the Assistant DNI's. Mr. Maxwell also indicated his intent to make the Presidential transfer authority in section 111 available as an alternative to one provision of theReorganization Act (a transfer under this Act, e.g., would be subject to jurisdiction of the Governmental Affairs Committee).

While it wasn't specifically agreed to drop this subsection altogether, Elliot Maxwell did indicate that he would consider including language to the effect that the ADNI's would "assist the DNI in carrying out his duties," and possibly that the Director could delegate his duties and authorities to the DDNI and the ADNIs.

Synopsis

1. CIA position taken into consideration.
2. Duties of the ADNI's to be clarified.

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Page 25, section 112(a)

CIA stressed their position to go with the Executive Order language with regard to this subsection. CIA stated that the Director should have approval authority.

Elliot Maxwell conceded that the language as written is DOD language from their draft.

Bill Funk made a strong argument for CIA's position hereunder and suggested that much of the detail in subsection 112(a) was unnecessary.

Synopsis

1. CIA's postion was agreed to in principle.
2. HPSCI favors CIA position.

Page 27, section 113(a)(1): CIA stated that the Office of Finance wants to retain an annual budget and may not want to have provision made for appropriations on a two year basis as section 113(a)(1) seems to provide. SSCI attendees noted our position, and said they would like to receive a fuller explanation of our position before they changed their language.

Page 28, section 113(a)(3): CIA pointed out this subsection must be modified since as is it reads as if the Director can reprogram between entities. Elliot Maxwell stated that the intent was not to allow reprogramming between entities. Comments from CIA Finance should address this issue directly.

Page 28, section 113(b)(1): CIA indicated that as written it is unclear as to whether the CRF is made up of CIA funds. Elliot Maxwell stated that this in fact was the intent of the drafters and agreed to make it explicit. In that regard the term "Director" at the beginning of the fourth line in the subsection will be changed to read "CIA." To provide carry-over authority it was agreed to include words allowing the Director to "establish and maintain" a fund (first line of subsection (b)(1)). The word "appropriated" in the third line is to be changed to "designated" in order to avoid potential problems relating to lack of a specific appropriation for CIA funds. Mike O'Neil of HPSCI, however, stated that his preference, which is shared by others on the HPSCI, is to have such funds lapse.

Page 28, section 113(b)(1)(B): CIA pointed out that this subsection requires onerous reporting. Specifically, CIA asked what is to be included in the phrase "facts and circumstances." What specificity does this require? Elliot Maxwell responded that this is an open question to be worked out

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through subsequent procedures. In the third and sixth line of the subsection the words "withdrawal and" should be inserted before the word "expenditure."

Page 29, section 113(c): CIA indicated that the quarterly reports called for herein should be relaxed. Elliot Maxwell said he would consider semi-annual reporting. CIA also questioned whether the report would require details of the expenditures or merely reference to the fact of expenditures. Elliot Maxwell indicated that such details as may be required remain to be worked out.

Page 30, remaining portion, section 113(d): CIA objected to the phrase "any committee of the Congress having jurisdiction over..." as being too wide a gap which in effect undermines the exclusivity CIA has hoped to develop vis-a-vis HPSCI and SSCI. Elliot Maxwell stated that by using the word "committee" he was limiting the impact of this subsection since no subcommittees could claim jurisdiction without going through the committee chairman. It was pointed out that many chairmen could be easily influenced to claim "jurisdiction over such activities." No agreement was reached.

Page 31, all of section 114: CIA stated that it found all of section 114 to be intolerable and indicated that it would like it to be redone, utilizing as a base the draft E.O. provisions on sensitive collection operations and special activities. It was noted that as written it goes far beyond the Executive Order. Bill Funk generally supported CIA in this regard and characterized section 114 as written as "micromanagement." Elliot Maxwell indicated that we should defer discussion of the issues involved until after we have a chance to review his new draft and specifically the section therein dealing with sensitive collection and special activities.

Page 49-52, section 122: CIA indicated that this section as written raises problems as to who--as between the DNI and the Attorney General--is to have reporting responsibilities in the areas of domestic and foreign counterintelligence. Elliot Maxwell took note of our problems hereunder and agreed to look at this with a view to making reporting requirements coexistent with responsibilities.

Page 53, section 123(a): CIA stated that as written, subsection (a) could be construed to require Cabinet level persons to be directly involved in working level discussions re communications security. It was agreed to change this subsection to allow for the appointment of "designees" to handle such matters.

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OP/ [redacted] 1/11/78

TITLE I

STAT

Comments on Revised Draft of the Senate's Proposed Bill, National Intelligence Reorganization and Reformat of 1977

Page 3, Section 103, paragraph 1:

Revised paragraph 1 specifies the authority for the conduct of intelligence activities necessary for the "national defense into the foreign relations of the United States." In lieu of the original, more inclusive wording covering "the protection of the national security of the United States," this narrower definition is repeated in several other sections of the Bill. This appears too restrictive in that certain intelligence activities (economic intelligence, counter-terrorism, etc.) appear to be better covered under national security terminology rather than national defense.

Page 13, section 107, paragraph g:

The DNI must provide by regulation which Assistant DNI shall act in the place of the DNI, when there is no DDNI, etc. This is quite restrictive in terms of the DNI's option to select the officer best suited for the current situation at any given point in time.

ILLEGIB ~~Page 14~~, section 108: [redacted]

~~DNI~~ responsibilities do not include "special activities."

Page 15, section 108, paragraph d:

"The DNI will act as the DCI." Title IV of the proposed Bill indicates that the President may appoint different persons as DNI and DCI. This needs to be clarified.

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Page 20, section 108, paragraph m:

This provides for more restrictive termination authority from "in the interest of the United States" to "in the interest of the national security of the United States." This wording would limit the present termination authorities under current law by requiring a relationship of terminations to only national security grounds.

Page 20, section 108:

The new draft has deleted paragraph 31, referring to providing administrative, technical and support activities in the United States and abroad. This section must be reinstated or provided elsewhere in the Bill.

Page 23, section 110, paragraph a:

This establishes the Assistant DNI positions at Executive Schedule Level IV.

Page 24, section 111, paragraph a:

This section needs to be looked at closely in terms of the transfer of DNI authorities and duties by the President, subject to his notification of proposed transfer of such duties. The question is whether this is intended to cover temporary absences of the DNI as well. The current wording appears to be quite restrictive.

Page 31, section 114, paragraph a:

Restriction to national defense and foreign relations of the United States appears more restrictive than the original wording of national security. As elsewhere in the Bill, national security appears more appropriate to cover the broader areas of coverage required.

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General Comment:

Nowhere in this draft Bill is it stated whether the DNI group are hired, promoted, etc., within the competitive service or, as is the case with CIA in proposed Title IV, outside the competitive service. We have trouble with the termination authority and the availability of such authority only to the DNI and not to the Head of CIA. No provision is made for establishing grade levels of supergrades, unlike the limitation found in Title IV.

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[redacted]

STAT
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78-0121

10 January 1977

MEMORANDUM FOR: Acting Deputy Director of Central Intelligence
Deputy Director for Administration
Deputy Director for Science & Technology
Deputy Director for Operations
Director, National Foreign Assessment Center
Office of General Counsel
Office of Legislative Counsel
Office of the Inspector General
Office of the Comptroller

SUBJECT : Draft Charter Legislation

Legislation - Title IV

1. The attached redraft of Title 1 prepared by the Senate Select Committee was received this morning and is to be the subject of discussions with Elliot Maxwell on the Hill tomorrow afternoon. In view of the short time available for review, I would appreciate it if each of you would designate a representative to meet with me at L:00 tomorrow (11 January) in Room 7E-32 to express orally your initial reactions to the draft. We will then proceed at a more deliberate pace to prepare a formal Agency response.

2. I would also like your representative to present any major concerns regarding other titles of the charter legislation, most particularly those pertaining to the CIA (Title IV).

ILLEGIB

[redacted]

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Associate Director-Management
National Foreign Assessment Center

[redacted]

Attachment

ILLEGIB

[redacted]

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Q-771a

January 9, 1978

Sections 102, 104, 114-120, 123, 124, and 125 are not included as they are in the process of redrafting.

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A BILL

To improve the national intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes.

That this Act may be cited as the "National Intelligence Reorganization and Reform Act of 1977".

TITLE I--NATIONAL INTELLIGENCE

SHORT TITLE

Sec. 101. This title may be cited as the "National Intelligence Act of 1977".

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STATEMENT OF PURPOSES

Sec. 103. It is the purpose of this Act--

(2) to amend and supplement the provisions of the National Security Act of 1947 governing intelligence activities; ~~to provide statutory authorization and guidance for those national~~ (1) to authorize intelligence activities necessary for the national defense and to conduct ~~of~~ the foreign relations ~~or the protection of the national security~~ of the United States;

(3) to ensure that such ~~all~~ intelligence activities are properly and effectively directed, regulated, coordinated, and administered;

(5) to provide for the appointment of a Director of National Intelligence, ~~to assign and~~ to delineate the responsibilities of such director, and to confer on such director the authority necessary to fulfill those responsibilities; and ~~to make such director~~ and the entities of the Intelligence Community, accountable to the President, the Congress, and the people of the United States;

(4) to ensure that the executive, ~~and~~ legislative, and judicial branches of the Government are provided, at the lowest possible cost, with such accurate, relevant, and timely information and analysis as may be necessary to enable those ~~both~~ branches to make sound and informed decisions regarding the security and vital interests of the United States and to protect the United States against foreign intelligence activities, terrorism, and other forms of hostile action directed against the United States; ~~and~~

(6) to make the DNI ~~establish effective oversight~~ so that the intelligence activities of the United States may be ~~are~~ conducted in accordance ~~conformity~~ with the Constitution and laws of the United States and may ~~so~~ not infringe upon or violate those individual rights protected by the Constitution and laws of the United States.

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NATIONAL INTELLIGENCE ACTIVITIES; AUTHORIZATION

Sec. 105. ~~(a)~~ Subject to the provisions of this Act, the entities of the Intelligence Community are authorized to engage, in national intelligence activities* under the direction and control of the National Security Council. ~~No~~ National intelligence activities** may be undertaken only by ~~any~~ the entities of the Intelligence Community and only in accordance with ~~except pursuant to~~ the provisions of this Act.

~~(b) It shall be the function of the entities of the Intelligence Community, subject to the provisions of this Act, to (A) collect, process, analyze, and disseminate to the executive and legislative branches of the government, accurate, relevant, and timely intelligence information and analysis, (B) engage in special activities, (C) engage in counterintelligence activities, and (D) engage in counter-terrorism activities.~~

* special activities in support of national foreign policy objectives (hereinafter in this title referred to as "special activities"), counter-intelligence activities, and counterterrorism activities.

**, special activities, counterintelligence activities, and counterterrorism activities

Should not be included as an intel activity. DDI

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DIRECTOR AND DEPUTY DIRECTOR

Sec. ~~106.~~ 107 (a) There shall be a Director of National Intelligence (hereinafter in this title referred to as the "Director"). There shall ~~also~~ be a Deputy Director of National Intelligence (hereinafter in this title referred to as the "Deputy Director") to assist the Director in carrying out ~~his~~ the Director's functions under this Act.

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall ~~and~~ each ~~shall~~ serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than six years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. No person who has served as Director or Deputy Director for a period of less than six years and is subsequently appointed or reappointed to that same office may serve in that office under such appointment or reappointment for a term of more than six years. In no event may any person serve in either or both offices ~~positions~~ for more than a total of twelve years. (c) At no time shall the two offices ~~positions~~ of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces whether in an active or retired status. ~~however, both positions may be occupied simultaneously by citizens of the United States who are not commissioned officers of the armed forces whether in active or retired status.~~

(d)(1) If a commissioned officer of the armed forces is appointed as Director or Deputy Director, then--

(A) in the performance of ~~his~~ the duties ~~as~~ of Director or Deputy Director, as the case may be, the officer ~~he~~ shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if ~~he~~ the officer were a civilian in no way connected with the Department of Defense, the military departments, or the armed forces of the United States or any component thereof; and

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(B) that ~~such~~ officer shall not possess or exercise any supervision, control, powers, or functions (other than those ~~such as he possesses, or is~~ authorized ~~or~~ to that officer ~~directed to exercise~~ as Director or Deputy Director) with respect to the Department of Defense, the military departments, or the armed forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in ~~paragraph (1) of~~ this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the armed forces, and ~~his~~ acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade ~~he~~ that officer may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. ~~Any such~~ A commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of ~~his~~ that officer's appointment as Director or Deputy Director.

(3) The grade of any such commissioned officer shall, during any period such officer occupies the office of Director or Deputy Director, be in addition to the numbers and percentages authorized and appropriated for the military department of which such officer is a member.

(e) The Director shall be entitled to ~~the~~ compensation at the rate provided for level I of the Executive Schedule ~~prescribed~~ by section 5312 of title 5, United States Code. ~~for positions at level I of the Executive Schedule, and~~ The Deputy Director shall be entitled to ~~the~~ compensation at the rate provided for level II of the Executive Schedule by ~~prescribed by~~ section 5313 of title 5, United States Code. ~~for positions at level II of the Executive Schedule.~~ The Director and Deputy Director whether civilian or military, shall be compensated while serving as Director or Deputy Director only from funds appropriated to the Director.

(f) (g) The Deputy Director shall act in the place of the Director during the absence or disability of the Director or

(f) If a commissioned officer of the armed forces is serving as Director that officer shall be entitled, while so serving, to the difference, if any, between the regular military compensation (as defined in section 101(25) of title 37, U.S.C.) to which that officer is entitled and the compensation provided for level I of the Executive Schedule by section 5312 of title 5, USC.

Repeat for Dep. Dir. using level II, section 5313.

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during any temporary vacancy in the office of the Director. The Director shall provide by regulation which Asst. DNI ~~what officer or employee of the Intelligence Community~~ shall act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director whenever there is no Deputy Director, and which Asst. DNI shall act in the place of the Dep. Dir. during the absence or disability of the Dep. Dir.

(h) In the event that no person has been appointed Director or Deputy Director under subsection (b) of this section as of the effective date of this title, any person holding the office of Director of Central Intelligence on the date of enactment of this Act may be designated by the President to serve as Director without the advice and consent of the Senate until the office of Director is filled as provided in subsection (b), and any person holding the office of Deputy Director of Central Intelligence on the date of enactment of this Act may be designated by the President to serve as Deputy Director without the advice and consent of the Senate until the office of Deputy Director is filled as provided in subsection (b); but no person designated to serve as Director or Deputy Director under authority of this subsection may serve in such office under such authority for more than 90 days following the effective date of this title. While so serving such persons shall receive compensation at the rates provided by law for the respective offices in which they serve.

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AUTHORITY AND DUTIES OF THE DIRECTOR

Sec. ~~107.~~ 108 (a) The Director shall serve, under the direction and control of the National Security Council, as the principal foreign intelligence ~~shall be responsible for the national intelligence activities~~ officer of the United States. ~~The President shall determine annually, with the advice and assistance of the National Security Council, which intelligence activities, if any, in addition to those specifically defined as national intelligence activities under this title, shall constitute national intelligence activities for which the Director shall be responsible and over which the Director shall have authority. The President shall report annually to the appropriate committees of the Congress on this determination.~~

~~(b) The Director shall, on an annual basis, make recommendations to the President, the National Security Council, and the appropriate committees of the Congress regarding the relationships among the national intelligence activities and other intelligence and intelligence-related activities and whether any intelligence or intelligence-related activity not a national intelligence activity should be determined by the President, pursuant to subsection (a) of this section, to be a national intelligence activity.~~

(b) →

(c) The Director shall, on a continuing basis, review all ongoing and proposed national intelligence activities of the United States in order to ensure ~~assure~~ that those ~~national intelligence~~ activities ~~of the United States~~ are properly, efficiently, and effectively directed, regulated, coordinated and administered; that those ~~such~~ activities provide, at the lowest possible cost, the executive, ~~and~~ legislative, and judicial branches of the Government with the information and analysis that such branches need to fulfill their responsibilities under the Constitution and laws of the United States; that those ~~such~~ activities do not abridge any right guaranteed or protected by the Constitution or laws of the United States; that those ~~such~~ activities do not adversely affect the national security, national defense or foreign relations of the United States; and that those ~~such~~ activities are conducted in conformity with

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(b) The Director shall be responsible for--
(1) the coordination of the national intelligence activities of the U.S.;
(2) the coordination of U.S. counterintelligence activities abroad; and
(3) coordination, in consultation with the Secretary of State, of U.S. counterterrorism activities abroad.

Should not be CIA. Now should be State.

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the provisions of this Act and the Constitution and laws of the United States. To achieve these ends the Director shall ~~direct such changes in national intelligence activities~~ provide such direction to the head of each entity of the I.C. as ~~the~~ Director deems appropriate. ~~and shall make such recommendations to the President, the National Security Council, the heads of departments and agencies, and the appropriate committees of the Congress as he deems appropriate.~~

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~~(d) The Director shall, as provided in section 111 of this title, have full and exclusive approval authority over the national intelligence budget submitted to the President through the Office of Management and Budget.~~

(e) The Director shall ~~also~~ be responsible for the collection of national intelligence by the entities of the I.C. and shall--

~~(1) serve as the principal foreign intelligence officer of the United States and provide the President, other officials of the executive branch of the Government, and the Congress, with accurate, relevant, and timely information and analysis;~~

(1) act as the Director of the Central Intelligence Agency, and of such staff as may be required to discharge the Director's responsibilities under this Act;

~~(2) coordinate the national intelligence activities of the United States and provide such direction to the head of each entity of the Intelligence Community as may be necessary to ensure that the national intelligence activities of such entity are (A) providing the information and analysis necessary for the formulation and conduct of the national security and foreign policy of the United States, (B) effectively and efficiently managed, and (C) conducted in conformity with the Constitution and laws of the United States;~~

(2) develop such plans, objectives, ~~priorities~~ and requirements for the entities of the Intelligence Community as are necessary to meet the intelligence needs and priorities established by the National Security Council; ~~taking into account the need for the intelligence components of departments and agencies which engage in national~~

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~~intelligence activities to also perform departmental and tactical intelligence activities assigned by the heads of such departments and agencies;~~

(2) establish procedures, in coordination with the heads of departments and agencies not within the Intelligence Community, to increase, insofar as is possible, the national intelligence contribution made by such departments and agencies without contravening their ~~assigned missions and authorities;~~ otherwise authorized functions;

(3) coordinate all clandestine collection, outside the US, of intelligence form utilizing human sources;

~~(4) establish procedures to increase, insofar as is possible consistent with security requirements and the fulfillment of national intelligence needs as established by the National Security Council, the collection, processing, analysis and dissemination to departments and agencies (including departments and agencies not represented in the Intelligence Community) of tactical and departmental intelligence by the entities of the Intelligence Community;~~

(f) The Director shall be ~~have full~~ responsible~~ly~~ for the production of analyses of national ~~foreign~~ intelligence, including national intelligence estimates and similar Intelligence Community-coordinated analyses, and shall ~~have full responsibility for~~ *(1)

(2) ensur~~ing~~ that, in the production of national ~~such~~ intelligence, diverse points of view are presented fully and ~~carefully~~ considered carefully, and that differences of judgment within the Intelligence Community are fully expressed for policymakers;

(3) obtain such analytic assistance from the ~~departmental and agency~~ intelligence production organizations of the entities of the I.C. as is necessary for the Director to fulfill the Director's responsibilities under ~~clause (7) of~~ this subsection;

~~(4) ensure access of departmental and agency intelligence production organizations, under appropriate security procedures, to national intelligence information which is collected by other entities of the Intelligence Community and which is relevant to the lawful foreign intelligence, counterintelligence, and counterterrorism activities of such intelligence production organizations;~~

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*(1) provide, under appropriate security procedures, the executive, legislative, and judicial branches of the Government with accurate, relevant, and timely national intelligence information and analysis needed by such branches to fulfill their responsibilities under the Constitution and laws of the U.S.;

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(9) The Director shall be ~~(10) have full~~ responsible~~ty~~ for the dissemination, under appropriate security procedures, of national intelligence, and shall--(1) furnish~~ing~~ to the departments and agencies and to appropriate operational commanders of the armed forces of the United States, ~~authorized by the President to request and receive intelligence procured by the entities of the Intelligence Community all the~~ national, ~~tactical, and departmental~~ intelligence which is produced by the entities of the Intelligence Community relevant to the duties and responsibilities of such departments and agencies and operational commanders of the armed forces, respectively;

, under appropriate security procedures,

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* → (2); (3) ~~(11) evaluate on a continuing basis the need for national intelligence of the various components of the executive and legislative branches of the Government,~~

(n) The Director shall be responsible for ~~(12)~~ evaluat~~ing on a continuing basis~~ the quality of the national intelligence that is collected, produced and disseminated by entities of the Intelligence Community and report on an annual basis to the Per. SCI of the H. of R. + the SCI of the Senate ~~committees of the Congress having jurisdiction over matters relating to national intelligence activities~~ on the results of such evaluations and on the Director's efforts to improve the quality of such national intelligence.

~~(13) review all research and development activities~~ in support of, or otherwise related to, the intelligence or intelligence-related activities of the Government;

(14) prepare, in consultation with the heads of entities of the Intelligence Community, plans to enhance the Intelligence Community's ability to respond to future needs ~~for national intelligence;~~

(i) The Director shall ~~(15)~~ ensure the appropriate implementation of special activities, and ~~exceptionally~~ sensitive clandestine collection projects ~~and sensitive clandestine collection projects;~~

~~(16) coordinate all clandestine collection of foreign intelligence utilizing human sources;~~

~~(17) under the guidance of the Counterintelligence Committee established pursuant to section 121 of this title,~~

* (2) establish procedures which will increase the usefulness for departments + agencies (including departments + agencies not within the I.C.) of information collected, processed, + analyzed through national intelligence activities; and
(3) ensure access to each entity of the I.C., ~~under appropriate security procedures~~, to national intelligence collected or produced by all other entities of the I.C. which is relevant to the lawful national intelligence, counterintelligence, + counterterrorism activities of such entity.

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~~coordinate the counterintelligence activities of the United States abroad and coordinate with the Attorney General the counterintelligence activities of the United States within the United States;~~

~~(18) provide guidance to those entities of the Intelligence Community which collect, process, analyze and disseminate information on international narcotics traffic;~~

→ (j)(1) The Director shall--

(A) ~~(19)~~ formulate ~~, as appropriate,~~ policies with respect to intelligence arrangements with foreign governments; ~~and be responsible for all~~

(B) coordinate intelligence relationships between the various entities of the Intelligence Community and the foreign intelligence or internal security services of foreign governments; and ~~including all agreements, arrangements, and understandings governing such relationships;~~

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(C) ~~(20)~~ transmit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate the text of any proposed international agreement governing the relationship between any entity of the I.C. + any foreign intelligence or internal security service of a foreign government ~~arrangement or understanding described in clause (19)~~ at least 30 days after ~~before~~ such proposed agreement ~~, arrangement, or understanding~~ is entered into by any officer or employee of the United States ~~or~~ on behalf of the United States. ~~and, accordingly, such agreement, arrangement, or understanding~~ * shall be exempted from the provisions ~~requirements~~ of section 112b of title 1, United States Code;

(2) →

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112b Int'l Agreements (from Sec State)

(K) The Director shall ~~(21)~~ assign to a single entity of the Intelligence Community responsibility for any service which is of common concern to more than one such entity but which can be more efficiently and effectively performed by a single entity;

(l) The Director shall, in order to protect intelligence sources + methods from unauthorized disclosure, ~~(22)~~ establish common security standards for the management and handling of information and material relating to intelligence activities ~~, for the granting of access to such information and material, and for entering into such security agreements as are necessary for the protection of such information and material; but the head of each entity of the Intelligence Community shall be responsible for the implementation, subject to the provisions of this Act and~~

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* (2) Any proposed international agreement described in paragraph (1)(C) of this subsection which is transmitted to the PSCI of the H. of R. + the SCI of the Senate in accordance with the provisions of such paragraph

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~~guidance from the Director, of such standards and for the protection from unauthorized disclosure of properly classified information and material in the custody of such entity;~~

~~(23) while providing necessary classification of information and material relating to intelligence activities, protect against overclassification of such information and material, ensuring~~ The Director shall, however, ensure, as appropriate, the downgrading and declassification of such information and material, ~~as appropriate and~~ consistent with applicable laws and executive orders;

~~(24) under the guidance of the Communications~~ Security Committee established pursuant to section 122 of this title, review the communications security activities of the United States and make such recommendations to that committee as the Director deems appropriate taking into consideration the Director's responsibilities under this Act;

(25) establish, in consultation with the Attorney General, and consistent with the provisions of this Act, procedures for the retention, disclosure, and dissemination of information acquired by the various entities of the Intelligence Community and for the protection of such information from unauthorized disclosure;

(26) establish uniform criteria for the identification, selection and designation of relative priorities for the transmission of critical national intelligence information, and provide the Secretary of Defense with continuing guidance as to the communications requirements of the Intelligence Community for the transmission of such intelligence;

(27) formulate, in consultation with the Secretary of Defense, plans providing for use by the Secretary of Defense of such elements of the Intelligence Community as may be required in time of war or other national crisis, such plans ~~to include provision for such support, in time of war or~~

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~~other national crisis, from the Secretary of Defense as may be required to assure the continuity of essential national intelligence activities;~~

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~~(28) provide, in coordination with the Secretary of Defense, for the regular exercises of plans formulated pursuant to clause (27);~~

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(m) ~~(29)~~ Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Central Intelligence Agency or of the office of the Director whenever the Director considers such termination necessary or advisable in the interests of the national security of the United States; ~~notwithstanding any other provision of law,~~ however, the Director shall report to the PSCI of the H. of R. + the SCI of the Senate, ~~notify the appropriate committees of the Congress,~~ in a timely manner, on any exercise of the Director's authority under this paragraph. ~~clause; but~~ The ~~such~~ termination of the employment of any officer or employee under authority of this paragraph shall not affect the right of such officer or employee to seek or accept employment elsewhere in ~~in any other department or agency of~~ the Government if declared eligible for such employment by the United States Civil Service Commission;

Why? Should come out. Infringes Mgmt approval.

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~~(30) review the reports of the Inspectors General of the various entities of the Intelligence Community, and direct such Inspectors General to undertake such investigations as the Director deems necessary and appropriate subject to the provisions of this Act; and~~

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~~(31) provide such administrative, technical, and support activities in the United States and abroad as may be necessary to carry out effectively and efficiently the duties of the Director.~~

(n) ~~(32)~~ In order to carry out the Director's duties under this title, the Director is authorized to obtain from any department or agency such information as the Director deems necessary to perform such duties; and each department and agency shall furnish such information to the Director upon request. The Director shall take appropriate steps to maintain the confidentiality of such information.

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(n) In order to carry out the Director's duties under this title the Director is authorized to conduct program + performance audits + evaluations of the activities of the entities of the I. C.

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(p) ~~(a)~~ In order to carry out the Director's duties under this title, the Director shall review all research + development activities which support ~~of~~ the intelligence or intelligence related activities of the Government ~~and the~~ reports of the Inspectors General of the various entities of the IC, and may review all the intelligence + intelligence-related activities of the Government. Based upon such reviews, the Director shall ~~is authorized to review all the intelligence and intelligence-related activities of the Government and to~~ make such recommendations to the President, the NSC, + the appropriate committees of the Congress as the Director deems appropriate ~~to~~ [redacted] ~~officials of the executive and legislative branches regarding any intelligence activity which has a direct relationship to the national intelligence activities of the United States.~~

(q) ~~(h)~~ Nothing in this section shall be construed to prohibit any entity of the Intelligence Community from producing and disseminating its own analyses of national intelligence information collected by any entity of the Intelligence Community, if otherwise authorized to do so, but any such analyses shall be promptly provided to the Director.

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DEPARTMENTAL RESPONSIBILITY FOR
REPORTING NATIONAL INTELLIGENCE

Sec. ~~106~~ 109. It shall be the responsibility of the heads of departments and agencies and all operational commanders of the armed forces of the United States to ensure that all national intelligence obtained by such departments and agencies and operational commands of the armed forces of the United States is promptly furnished to the Director or to the entity of the Intelligence Community designated by the Director to receive such intelligence. Nothing in this title shall be construed to prohibit any department or agency from collecting, processing, evaluating, or ~~and~~ disseminating departmental or tactical intelligence if such department or agency is otherwise authorized to do so.

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ASSISTANT DIRECTORS; STAFF; COMMITTEES AND BOARDS

Sec. ~~109.~~ 110 (a) The President is authorized to appoint, by and with the advice and consent of the Senate, not more than five Assistant Directors of National Intelligence. *

(b) The Director is authorized to employ such personnel as may be necessary to assist in carrying out the Director's ~~his~~ responsibilities under this Act ~~as Director~~. Such staff may include, but shall not be limited to, persons employed by any entity of the Intelligence Community.

(c) The Director is also authorized to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out effectively the provisions of this title.

(d) The Director is also authorized to establish such advisory committees as may be necessary to provide expert advice regarding the administration of this title. The provisions of the Federal Advisory Committee Act (86 Stat. 770, 5 U.S.C. App. I, 1-15) shall apply with respect to any advisory committee established by the Director under authority of this section except that the Director may waive the application of any or all of the provisions of that ~~such~~ Act when the Director deems such action necessary to the successful performance of the duties of any entity of the Intelligence Community or to protect the security of the activities of any such entity. Any waiver exercised by the Director under this section shall be reported to the House Permanent SCI and the Senate SCI ~~committees of the Congress having jurisdiction over matters relating to national intelligence activities~~ and the names of all persons appointed to serve on any advisory committee established under authority of this Act shall be reported to such committees ~~the House Permanent SCI and the Senate SCI, such committees of the Congress.~~

* Each Assistant DNI shall be entitled to the same compensation prescribed by section 5315 of title 5, USC, for positions at level III of the Executive Schedule. At no time shall more than two of the positions of Assistant DNI be occupied by commissioned officers of the armed forces, whether in active or retired status.

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AUTHORITY OF THE PRESIDENT TO TRANSFER CERTAIN DUTIES AND AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Should be dropped (Sam)

Sec. ~~110.~~ 111 (a) The President is authorized to transfer any or all of the duties and authorities of the Director which pertain to the ~~such~~ Director's duties and authorities as head of the Central Intelligence Agency to any person serving as the Deputy Director or to any person serving as an Assistant Director of National Intelligence if such person was appointed to the position of Deputy Director or to the position of Assistant Director of National Intelligence by and with the advice and consent of the Senate and if--

(1) the President notifies the Congress in writing of the proposed ~~President's intent to~~ transfer ~~any such duties and authority~~ and specifically describes the duties and authorities to be transferred and identifies the officer or employee to whom such duties and authorities are to be transferred;

(2) sixty days of continuous session of the Congress have expired following the day on which such notification was received by the Congress ~~with respect to the proposed transfer of duties and authority under this section~~; and

(3) neither House of Congress has adopted, within such 60-day period, a resolution disapproving such transfer of authority.

(b) For the purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 60-day period.

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NATIONAL INTELLIGENCE PROGRAM AND BUDGET AUTHORITY;
PROGRAM AUDIT AND EVALUATION; INFORMATION

Sec. 112. (a) The Director shall have ~~full and~~ exclusive responsibility ~~approval authority~~ for ~~over~~ the preparation of the ~~annual~~ national intelligence budget, for its presentation ~~submitted~~ to the President through the Office of Management and Budget, and, after approval by the President, for its presentation to the Congress. In carrying out the Director's responsibility under this section, the Director shall--

(1) provide guidance and assistance to the heads of the various entities of the Intelligence Community in the preparation of the programs and budgets of such entities which relate to national intelligence;

(2) after reviewing and evaluating the annual program and budget proposals submitted to the Director pursuant to subsection (b) of this section, ~~and, after taking into consideration such program + budget proposals,~~ ~~him by the heads of the various entities of the Intelligence Community with respect to the national intelligence activities of such entities;~~

~~(3) develop and consolidate annually, with the advice of the heads of the various entities of the Intelligence Community, a budget for a~~ prepare the national intelligence budget; and

(3) present the National Intelligence ~~such~~ budget to the President through the Office of Management and Budget;

(4) present and justify to the Congress the President's annual budget for national intelligence;

[(5) conduct program and performance audits and evaluations to carry out the Director's responsibilities under this Act. ~~determine how effectively funds for national intelligence activities are being expended and how effectively national intelligence programs are being implemented.~~]

(b) The head of each department or agency that includes an entity of the Intelligence Community ~~having any responsibility for carrying out national intelligence activities~~ shall ~~insure the~~ develop~~ment~~ and submit~~sion~~ to the Director ~~of a~~

(1) a proposed program~~s~~ and budget~~s~~ for the entity of the IC within ~~national intelligence activities to be carried out by any component of~~ such department or agency based upon program and budget guidance from the Director, and such information as the Director may ~~and shall submit such proposed program and budget~~ in such form and at such time as the Director shall prescribe, find necessary to carry out the Director's program + budget responsibilities under this section.

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~~(b) The head of any department or agency having any responsibility for carrying out national intelligence activities may request the President to review decisions of the Director on the annual program or budget for the national intelligence activities of that department or agency submitted to the Director under subsection (a) of this section.~~

(c) The head of each entity of the Intelligence Community shall, in consultation with the Director, and in accordance with section 3679(c) of the Revised Statutes (31 U.S.C. 665(c)), establish the rate at which funds appropriated to such entity for national intelligence activities for any fiscal year are to be obligated in such fiscal year.

~~(e) The head of each entity of the Intelligence Community shall provide to the Director, in a timely and responsive manner, all information requested by the Director for use in performing the Director's program and budget responsibilities under this title.~~

(d) The head of each department or agency, ~~having any responsibility for carrying out national intelligence activities~~ that includes an entity of the I.C. shall take such action as may be necessary to ensure that internal program and budget decisions of such department or agency have no adverse effect on that department or agency's presidentially-approved program or budget relating to ~~national intelligence activities~~ the activities of the entity of the IC within that department or agency.

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REQUIREMENTS RELATING TO APPROPRIATIONS FOR NATIONAL INTELLIGENCE ACTIVITIES

Sec. ~~112~~ 113. (a)(1) No funds may be appropriated for any fiscal year after September 30, 1978, for the purpose of carrying out any national intelligence activity, special activity, counterintelligence activity, or counterterrorism activity unless funds for such activity have been previously authorized ~~for such activity~~ by legislation enacted during the same fiscal year or the fiscal year immediately preceding the fiscal year for which such funds are appropriated, except that the foregoing shall not apply to funds appropriated by any continuing resolution.

Cd be read for IFX's. OF doesn't want. wants Annual approp.

(2) ~~Each year in which legislation appropriating~~ funds for national intelligence activities is enacted for any fiscal year, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives shall, following the enactment of such legislation, recommend to their respective Houses what information should be publicly disclosed regarding the amounts appropriated for such activities by such legislation. Each such committee shall submit its recommendations to the House concerned in such manner as ~~such committee deems appropriate~~.

for each fiscal year, The President shall make ~~available to the~~ public, in a timely fashion following the appropriation of funds for the national intelligence budget ~~information regarding~~ the total amount appropriated for the national intelligence ~~budg~~ program for ~~such~~ that fiscal year.

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(3) The Director shall have ~~full and~~ exclusive authority for reprogramming funds within the ~~for~~ national intelligence budget. ~~activities~~ The Directors ~~Such~~ authority may only be exercised within the guidelines of the Office of Management and Budget and only after consulting ~~consultation~~ with and receiving the approval of the appropriate committees of Congress. The Director shall promulgate guidelines specifying the conditions under which proposed reprogramming shall require the prior approval of the Director. ~~The head of the entity of the Intelligence~~ Community affected by the reprogramming of such funds. The head of any department or agency having any responsibility for carrying out national intelligence activities may request the President to review any action of the Director which proposes to reprogram any funds appropriated for the purpose of carrying out the national intelligence activities ~~of such department or agency~~.

Made up of diff. approp. shdn't reprogr. betw. approp. *

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*See # 4 of [redacted] memo

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(b) (1) The Director is authorized to establish a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Fund") and to credit to such fund only monies specifically appropriated to the ~~Director~~ CIA for such Fund. The Director is authorized to expend funds from the ~~Contingency Reserve~~ Fund in any fiscal year for the payment of expenses incurred in connection with any national intelligence activity, special activity, counterintelligence activity, or counterterrorism activity if--

(A) the ~~expenditure~~ withdrawal of funds from the Fund has been previously approved by the Office of Management and Budget;

(B) ~~the appropriate committees of Congress~~ the Committee on Appropriations of the House of Reps, the Committee on Approps. of the Senate, the Permanent SCI of the House of Reps + the SCI of the Senate have been notified of the facts and circumstances regarding such ~~expenditure~~ withdrawal and purpose at least 72 hours in advance of the initiation of such expenditure; except that in extraordinary circumstances the President may authorize the expenditure of ~~money~~ funds from ~~such~~ the Fund without prior notification to the appropriate committees of the Congress if the President notifies such committees of the Congress within 48 hours after initiation of the expenditure of such funds, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity; and

(C) the money from ~~such~~ the Fund is used solely for the purpose of meeting requirements that were not anticipated at the time the President's budget was submitted to the Congress for such fiscal year, the purpose for which such money was used requires protection from unauthorized disclosure, and the activities to be funded are authorized by law.

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~~(1) No money may be expended from the Contingency~~ Reserve Fund for the initiation or major expansion of any activity unless the expenditure is made in compliance with the provisions of paragraph (1); and no financial obligation may be incurred under authority of this subsection unless (A) such obligation has been approved by the Director and Director of the Office of Management and Budget and (B) sufficient money therefor is available in the Contingency ~~Reserve Fund~~.

(2) ~~(1)~~ Money~~s~~ ies ~~of the Contingency Reserve~~ from the Fund may be expended only for the specific purpose for which the withdrawals ~~expenditure~~ was approved under this subsection and any amount approved for expenditure but not actually expended for the specific purpose for which approved shall remain in the ~~such~~ Fund.

(3) Any activity funded from the ~~Contingency Reserve~~ Fund ~~which~~ that continues after the end of the fiscal year in which such activity was initiated shall be funded thereafter through the regular budgetary process at the earliest practicable time.

(c) The Director may approve the expenditure of funds to cover matters relating to national intelligence activities of an extraordinary or emergency nature. The expenditure of funds for such purposes shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but funds expended for such purpose may be expended only for activities authorized by law. The Director shall report quarterly to the Com. on approps. of the House Reps., the Com. on Approps. the Senate, the Per. SCI c the H of Reps., + the SCI the Senate ~~committees of the Congress having jurisdiction over the national intelligence activities of the United States~~ on expenditures made under the authority of this subsection.

(d) All funds appropriated to the Director, all funds appropriated to entities of the Intelligence Community, and all national intelligence activities, special activities, CI activities, + C Terrorism activities, ~~of the United States,~~ and information and material relating thereto, shall be subject to financial and program management audit and review by the Comptroller General of the United States upon the request, or

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with the approval, of any committee of the Congress having jurisdiction over such ~~matters relating to national intelligence~~ activities, except that any funds expended for a particular activity, and the activity for which such funds are expended, may be exempted by the Director from such audit and review if the Director (1) determines such exemption to be essential to protect the security of the United States, (2) notifies the appropriate committees of the Congress of such exemption and the reasons for granting it, and (3) reports quarterly to the appropriate committees of the Congress on each activity exempted under this subsection. Any audit or review conducted by the Comptroller General of the United States under authority of this subsection shall be conducted in accordance with such security standards as the Director ~~of National Intelligence~~ and the committee requesting or approving such audit or review shall prescribe. Information resulting from any such audit or review shall be available in the Congress only to the committees of the Congress authorized herein to request such audit or review, except as provided under section 124 of this title.

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PROCEDURES AND COLLECTION REQUIREMENTS FOR SENSITIVE INTELLIGENCE PROJECTS AND SPECIAL ACTIVITIES

Sec. 114 ~~113.~~ ~~(a)(1) The President shall establish within~~ the National Security Council a committee to be known as the Operations Coordinating Committee (hereinafter in this section referred to as the "Committee"). The Committee shall be composed of the Assistant to the President for National Security Affairs, the Secretary of State, the Secretary of Defense, the Attorney General, the Director of National Intelligence, and such other persons as the President may designate.

(2) One member of the Committee shall be appointed by the President, by and with the advice and consent of the Senate, to serve as chairman of the Committee. Such confirmation by the Senate shall not be required in the case of any person who, at the time of such person's appointment as chairman of the Committee, is serving in an office for ~~which such person has already received Senate confirmation.~~

See Cuts change in E.O.

(a) The President shall establish ~~different~~ categories of ~~clandestine~~ intelligence activities involving the clandestine collection of foreign intelligence on the basis of the likely impact such activities may have on the national defense and foreign relations of the United States and on the likely impact disclosure of such activities may have on the ~~United States.~~ national defense + foreign relations of the U.S.,

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Among the categories of ~~with respect to~~ clandestine collection ~~projects~~ activities, the President shall establish a category of "exceptionally sensitive" clandestine collection ~~projects for~~ activities in which shall be included those ~~projects~~ activities which ~~if~~ the President believes would, if discovered by or disclosed (to an unauthorized person) would be likely to cause exceptionally grave damage to the interests of the United States and shall establish a category of "sensitive" clandestine collection ~~projects for~~ activities in which shall be included those ~~projects~~ clandestine collection activities which, if discovered by or disclosed to an unauthorized person, the President believes would, ~~would~~ be likely to cause serious damage to the interests of the United States. ~~and shall establish such other categories of lesser sensitivity as the President deems appropriate and the~~ The President shall submit, in a timely manner, to the PSCI of the H. of R. and the SCI of the Senate, standards for and procedures relating to each category established pursuant to this subsection.

specifying the level of review and approval required with respect to each such category~~ies of lesser sensitivity.~~

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(b) (1) The NSC ~~Committee~~ shall review each proposed special activity and each proposed clandestine collection activity ~~project~~ designated as "sensitive" or "exceptionally sensitive" in ~~accordance with subsection (a), which is to be carried out~~ by any entity of the Intelligence Community or by any foreign government or any agent of any foreign government for or on behalf of the United States, and shall review any proposed significant change in, and any important change in circumstance regarding, any ongoing special activity or exceptionally sensitive or sensitive clandestine collection project. For the purposes of such review the NSC shall include ~~be composed of the Sec of State, the Secret Defense,~~ the AG, the DNI, + such other persons as the President may designate.

(2) Whenever the NSC ~~Committee~~ reviews any proposal to engage in a new special activity or exceptionally sensitive or sensitive clandestine collection activity ~~project~~ or any proposal to make any significant change in such an ongoing ~~special~~ activity ~~or exceptionally sensitive or sensitive clandestine collection project~~, the NSC ~~Committee~~ shall have available for consideration a careful and systematic analysis of such proposed activity ~~project~~ or change, a copy of which shall be retained in the records of the National Security Council. Such analysis shall include, but shall not be limited to, the following:

(A) the proposed justification for such proposed activity ~~project~~ or change;

(B) the nature, scope, probable duration, estimated cost, ~~purpose~~, anticipated risks, likely consequences of disclosure, and actions necessary in the case of the termination ~~probability of success, and estimated costs~~ of such activity ~~project~~ or change;

(C) the relationship between the proposed activity ~~project~~ or change and any previously approved related activity ~~or project~~;

(D) overt or less sensitive alternatives + indications ~~evidence~~ that the objectives of such activity ~~project~~ or change would be unlikely to be achieved by such overt or less sensitive means; and

(E) the legal implications of the proposed activity ~~project~~ or change under the Constitution and laws of the United States and under treaties and

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other international agreements to which the United States is a party.

(3) The NSC ~~Committee~~ shall advise the President with respect to all special activities, clandestine collection activities ~~projects~~ designated as "sensitive" or "exceptionally sensitive" in accordance with subsection (a) above, and any proposed significant changes in, or important changes in circumstances regarding, such activities. ~~or projects~~ Any recommendation made by the NSC ~~Committee~~ to the President with respect to any such proposed activity ~~or project~~, or significant change therein, must have been considered ~~agreed to~~ by the NSC ~~Committee~~ at a formal meeting of the NSC ~~Committee~~ at which all members of the NSC ~~Committee~~ were present or represented. The written views of any absent member on the proposed activity, ~~project~~, or change must be presented to the NSC ~~Committee~~ before or after such meeting. ~~Decisions of the Committee may be reviewed by the National Security Council on appeal by any member of the Committee.~~

(4) Each recommendation made by the NSC ~~Committee~~ to the President under subsection (b)(3) above shall be accompanied by an opinion of the Attorney General on the legal implications of the proposed activity, ~~project~~, or change, as the case may be, and by the analysis prepared for the NSC ~~Committee~~ pursuant to (b)(2) above.

(c) (1) No proposed special activity, proposed exceptionally sensitive clandestine collection activity ~~project~~, or proposed significant change thereof ~~in any ongoing special activity or exceptionally sensitive clandestine collection project~~ may be initiated unless the NSC ~~Committee~~ has reviewed such proposed activity, ~~project~~, or change, advised the President thereon, and the President has approved such activity, ~~project~~, or change.

(2) No proposed special activity may be initiated unless the activity has been approved by the President and the President has made a written finding that, in the President's opinion,--

(A) such proposed activity is essential to the national defense or the conduct of the foreign policy ~~or the protection of the~~

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~~national security~~ of the United States; ~~and~~ (B) the likely benefits of such proposed activity justify the risk of its likely consequences and the likely consequences of its disclosure to an unauthorized person; and

~~(B) such proposed activity is consistent with publicly enunciated foreign policy goals of the United States; and~~

(C) overt activity would be unlikely to accomplish substantially the intended objective.

(3) No proposed exceptionally sensitive clandestine collection activity ~~project~~ may be initiated unless such activity ~~project~~ has been approved by the President and the President has made a written finding that, in the President's opinion,

(A) the information to be obtained by such activity ~~project~~ is vital to the national defense or the conduct of the foreign policy ~~or the protection of the national security~~ of the United States; ~~and~~ (B) the importance of the information justifies the risk of the likely consequences of discovery by or disclosure to an unauthorized person of such ~~project~~ activity; and

(C) overt ~~activity~~ or less sensitive clandestine collection ~~activity,~~ would be unlikely to accomplish the objective of such project.

(4) No proposed sensitive clandestine collection activity ~~project~~ may be initiated until it has been reviewed ~~approved~~ by the NSC ~~Committee~~ and the President has been notified of the NSC's ~~Committee's~~ decision.

(5) The Committee shall maintain a record of all written findings made by the President pursuant to paragraphs (2) and (3).

(d) The NSC ~~Committee~~ shall conduct a review, at least annually, of all ongoing special activities, exceptionally sensitive clandestine collection activities ~~projects~~, and sensitive clandestine collection activities ~~projects~~ being carried out by entities of the Intelligence Community or by any foreign government or any agent of any foreign government for or on behalf of the United States for the purpose of determining

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the necessity for continuing such activities ~~and projects~~ and making recommendations to the President regarding such activities. ~~and projects~~ No special activity or exceptionally sensitive collection activity ~~project~~ may be continued following such ~~annual~~ review + recommendati by the NSC unless the President renews the findings required by subsection (c)(2) + (c)(3) as the case may be.

~~(2) The Committee shall submit to the National Security Council an annual report on the Committee's activities.~~

(e) (1) The Director shall promulgate regulations establishing procedures by which various types of intelligence activities shall be submitted to the appropriate authorities for review and approval consistent with the categories established by the President under subsection (a) above. Such regulations shall be consistent with the provisions of this title and be subject to the approval of the National Security Council.

(2) No regulation promulgated under paragraph (1), and no amendment to any such regulation, shall become effective until the expiration of a period of 60 days after the date on which such regulation or amendment has been submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

~~(3) The Director shall periodically review the effectiveness of the procedures for the review and approval of proposed intelligence activities and make such recommendations to the President and the National Security Council as the Director deems appropriate.~~

(f) The Director shall, prior to initiating any special activity or exceptionally sensitive or sensitive clandestine collection activity ~~project~~ or any significant change thereof ~~in an ongoing special activity or exceptionally sensitive or sensitive clandestine collection project~~, notify the appropriate committees of the Congress of the facts and circumstances of the proposed activity ~~project~~, or change, and in the case of any proposed special activity or exceptionally sensitive clandestine collection activity ~~project~~, or any proposed significant change thereof ~~in such activity or project~~, notify such committees of the Presidential

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findings required to be made by subsections (c)(2) or (c)(3) as the case may be; except that, in extraordinary circumstances, any special activity, exceptionally sensitive or sensitive clandestine collection activity, ~~project,~~ or any proposed significant change thereof, may be initiated without such prior notification if the President notifies the appropriate committees of the Congress within 48 hours after the initiation of such activity ~~project~~ or change, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why such delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity ~~project~~ or change. The Director shall ~~specifically~~ inform the appropriate committees of the Congress of any important change in circumstances ~~of any case~~ regarding any special activity or any exceptionally sensitive or sensitive clandestine collection ~~project~~ activity and activity involving the collection of intelligence by human sources is being conducted by an entity of the Intelligence Community other than the Central Intelligence Agency. The Director shall provide the NSC with ~~keep~~ a written record of ~~the time, manner, and content of~~ any such notice and any official reaction or response of such committees to such notice.

(g) No component of the Federal Government except an entity of the Intelligence Community may conduct any special activity; and no entity of the Intelligence Community except the Central Intelligence Agency and, * ~~in wartime,~~ the armed forces may conduct any special activity unless (1) the NSC ~~Committee~~ determines that the objective of such special activity could not ~~would be less likely to~~ be achieved by the Central Intelligence Agency ~~than by another designated entity of the Intelligence Community,~~ and (2) the President approves the decision of the Committee.

(h) The Director shall submit a written report semiannually to the appropriate committees of the Congress on all special activities and exceptionally sensitive or sensitive clandestine collection activities ~~projects~~ being carried out by the various entities of the Intelligence Community or by any foreign

* during any period of war declared by the Congress ~~or during any period when members of the armed forces of the U.S. are introduced into hostilities against another country under circumstances which require a reporting by the President to the Congress under the provisions of the War Powers Resolution,~~

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government or agent of any foreign government for or on behalf of the United States.

(i) The NSC ~~Committee~~ shall conduct a review, at least annually, of all foreign intelligence activities conducted by the Central Intelligence Agency within the United States for the purpose of ensuring that such activities do not violate any right guaranteed or protected by the Constitution or laws of the United States, determining the necessity for continuing such activities, and making recommendations to the President, ~~the National Security Council, and the appropriate committees of the Congress~~.

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(j) Nothing in this title shall be construed as amending, superseding, or otherwise modifying in any respect the provisions of section 16 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2680a), relating to the authority and responsibility of United States Ambassadors to foreign countries.

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+ Counterterrorism

~~COUNTERINTELLIGENCE COMMITTEE.~~ RESTRICTIONS AND REQUIREMENTS REGARDING COUNTERINTELLIGENCE ACTIVITIES

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Sec. 12~~2~~. ~~(a) The President shall establish in the~~ National Security Council a committee to be known as the Counterintelligence Committee (hereinafter in this section referred to as the "Committee"). The Committee shall be composed of the Assistant to the President for National Security Affairs, the Secretary of State, the Attorney General, the Secretary of Defense, the Director of the Federal Bureau of Investigation, the Director of National Intelligence, and such other members as the President may designate. The Attorney General shall serve as ~~Chairman of the Committee~~.

(a) It shall be the function of the NSC ~~Committee~~ to advise and assist the President in the formulation of policy with respect to the counterintelligence and counterterrorism activities of the United States, to ensure unified direction of such activities, and to ensure that the counterintelligence and counterterrorism activities of the United States serve to protect the national security of the United States and are conducted in conformity with the Constitution and laws of the United States and in a manner that does not violate any right guaranteed or protected by the Constitution or laws of the United States. For the purposes of this section the NSC shall include ~~the Sec. of State, the Sec. of Defense~~, the AG, the DNI, the Dir. of the FBI, & such other members as the President may designate.

(b) It shall also be the function of the NSC* ~~Committee~~ to--

(1) establish ~~policy,~~ objectives, and priorities for the counterintelligence and counterterrorism activities of the United States;

~~(2) establish uniform standards and doctrines for the counterintelligence activities of the United States;~~

(2) supervise the coordination of the counterintelligence and counterterrorism activities of the ~~Federal Bureau of Investigation through the Attorney General, the counterintelligence activities of the Central Intelligence Agency through the Director, and the counterintelligence activities of the counterintelligence elements of the armed forces through the Secretary of Defense~~; U.S.;

* with respect to counterintelligence + counterterrorism,

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(3) adjudicate disagreements among the entities of the Intelligence Community on matters relating to the counterintelligence and counterterrorism activities of the United States;

~~(5) develop and monitor guidelines, consistent with applicable laws and executive orders, for the maintenance of central records of counterintelligence information;~~

(4) review the ~~effectiveness of the procedures by~~ which export licenses are granted and ~~scientific~~ and technical exchange programs are operated and make recommendations to the National Security Council and to the ~~appropriate committees of the Congress; and~~ impact on the counterintelligence + counterterrorism activities of the U.S. of the non-intelligence activities of the U.S. Government; and

(5) prepare and submit to the President and to the PSCI of the H.of.R. + the SCI of the Senate ~~appropriate committees of the Congress~~ an annual assessment of the threat to which the United States and its interests may be subject as a consequence of the activities of intelligence and security services of foreign powers and international terrorist groups and an annual assessment of the effectiveness of the United States' counterintelligence and counterterrorism activities against this threat. ~~The Attorney General shall submit a written report annually to the appropriate committees of the Congress on the matters contained in clauses (1) through (6) of this subsection.~~

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(c) It shall also be the function of the NSC ~~Committee~~ to (1) review proposals for the initiation, significant change, or termination of any counterintelligence or counterterrorism activity of the United States which would be likely to cause, or the discovery by, or disclosure to an unauthorized person of which would be likely to cause, serious damage to the interests of the United States, and (2) make recommendations to the President with respect to any ~~such~~ proposal for the initiation, significant change, or termination of any counterintelligence or counterterrorism activity which would be likely to cause, or the discovery by, or disclosure to an unauthorized person, of which would be likely to cause, exceptionally grave damage to the interests of the United States. Any such recommendation to the President must have been agreed to by the NSC ~~Committee~~ at a formal meeting of the NSC ~~Committee~~ at which all members of the NSC ~~Committee~~ are present or represented. Any

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such recommendation to the President shall be accompanied by an opinion of the Attorney General on the legal implications of such activity. The written views of any member absent from the NSC ~~Committee~~ must be presented to the Committee before or after such meeting. ~~Decisions of the Committee may be reviewed by the National Security Council on appeal from any member of the Committee.~~ No proposal for the initiation, significant change, or termination of any counterintelligence or counterterrorism activity which would be likely to cause or the discovery by, or disclosure of which to an unauthorized person, would be likely to cause exceptionally grave damage to the United States may be implemented unless the NSC ~~Committee~~ has considered such activity, advised the President thereon, and the President has approved the activity in writing.

(d) The NSC ~~Committee~~ shall conduct a review, at least annually, of all ongoing counterintelligence + counterterrorism activities of the United States which would be likely to cause or the discovery by, or disclosure of which to an unauthorized person, would be likely to cause serious or exceptionally grave damage to the United States for the purpose of determining the necessity for continuing such activities and *

~~(f) The Committee shall submit to the National Security Council an annual report on the Committee's activities.~~

(e) The Attorney General shall notify the PSCI of the H. of R. + the SCI of the Senate ~~appropriate committees of the Congress~~ of the facts and circumstances regarding any counterintelligence or counterterrorism activity described in subsection (c) prior to the initiation of ~~initiating~~ such activity, except that in extraordinary circumstances such activity may be initiated without prior notification to such ~~the appropriate~~ committees ~~of the Congress~~ if the President notifies such committees within 48 hours after the initiation of the activity, certifies to such committees that prior notification would have resuled in a delay which would have been harmful to the United States and discloses to such committees the reasons why such delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity.

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* making recommendations to the President regarding such activities. No counterintelligence or counterterrorism activity which would be likely to cause or the discovery by or disclosure of which to an unauthorized person would be likely to cause exceptionally grave damage to the U.S. may be continued following such review + recommendation by the NSC unless the President renews the approval required by subsection (c) of this section.

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(f) The Attorney General shall submit a written report semiannually to the PSCI of the H. of R. + the SCI of the Senate ~~appropriate committees of the Congress~~ on those counterintelligence or counterterrorism activities of the United States described in subsection (c) which have been approved during the previous six-month period.

(g) The Attorney General shall transmit annually to the PSCI of the H. of R. + the SCI of the Senate ~~appropriate committees of the Congress~~ a written report in which the AG shall identify + describe any ~~certification that to the best of his knowledge the~~ counterintelligence or counterterrorism activity that has violated ~~ies~~ of the United States ~~have been conducted so as not to violate~~ any right guaranteed or protected by the Constitution or laws of the United States and shall certify that to the best of his knowledge the other counterintelligence and counterterrorism activities of the U.S. have been conducted so as not to violate any such rights. ~~except for those activities he has reason to believe were not so conducted and describes and identifies such activities for such committees.~~

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COMMUNICATIONS SECURITY ~~COMMITTEE~~

Sec. 123 ~~(a) The President shall establish within the~~ National Security Council a committee to be known as the Communications Security Committee (hereinafter in this section referred to as the "Committee"). The Committee shall be composed of the following members:

(1) one member from the Department of State designated by the Secretary of State.

(2) one member from the Department of the Treasury designated by the Secretary of the Treasury.

(3) one member from the Department of Defense designated by the Secretary of Defense.

(4) one member from the Department of Transportation designated by the Secretary of Transportation.

(5) one member from the Department of Commerce designated by the Secretary of Commerce.

(6) one member from the Department of Energy designated by the Secretary of Energy.

(7) one member from the Central Intelligence Agency designated by the Director of National Intelligence.

(8) one member from the National Security Agency designated by the Secretary of Defense.

(9) one member from the Department of Justice ~~designated by the Attorney General.~~

~~(10)~~ one member from the Federal Bureau of Investigation designated by the Attorney General, and

~~(11)~~ such other members as the President may designate.

Advised of OC concerns. No prob seen. NSC will delegate.

~~(b) The President shall designate one member of the Committee to serve as chairman.~~

(a) It shall be the function of the NSC ~~Committee~~ to advise and ~~(1)~~ assist the President in the formulation of policy with respect to communications security. For the purposes of this section, the NSC shall include the Sec. of the Treasury, the AG, the Sec. of Commerce, the Sec. of Transportation, the Sec. of Energy, the DNI, one member of the NSA designated by the Sec. of Defense,

→ * (1) establish objectives for the communications security activities of the United States Government;

* (b) It shall also be the function of the NSC with respect to communications security to--

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(2) develop ~~and prescribe strict and uniform communications~~ security standards for ~~all~~ departments and agencies;

(3) provide communications security guidance ~~and assistance~~ to the Secretary of Defense in the Secretary's capacity as the executive agent of the United States Government for communications security;

(4) develop communications security policies governing the relationship between departments and agencies and foreign governments and between departments and agencies and international organizations, including policies governing the circumstances and terms and conditions under which departments and agencies may furnish to such foreign governments and organizations information and materials relating to communications security; and

(5) develop policies governing the circumstances and terms and conditions under which departments and agencies may furnish to United States persons information and materials regarding the vulnerability of non-governmental United States communications to unauthorized interception and exploitation and regarding appropriate means of securing such communications from unauthorized interception and exploitation.

~~(7) approve and promulgate definitions of terms relating to communications security which shall be used by all departments and agencies; and~~

~~(8) review proposals, in consultation with the Attorney General, for activities to determine the vulnerability to unauthorized interception and exploitation of the communications of the Government and of United States persons and organizations, and make such recommendations as the Committee deems appropriate.~~

(c) The NSC ~~Committee~~ shall review, at least once every two years, the effectiveness of the communications security procedures of each department and agency, and the vulnerability to interception of the communications of the Government and of

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United States persons and organizations. ~~and make such recommendations as the Committee deems appropriate~~.

(d) The NSC ~~Committee~~ shall report annually ~~periodically, but not less often than once every six months, to the National Security Council and~~ to the PSCI of the H. of R. + the SCI of the Senate ~~appropriate committees of the Congress~~ regarding the communications security activities of the U.S. ~~work performed by the Committee under this section.~~

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Sec. ~~105a~~ 106. (a) The President shall determine annually which intelligence activities, if any, in addition to those specifically defined as national intelligence activities ~~under~~ by this title, shall constitute national intelligence activities for the purpose of this Act. The President shall report annually to the appropriate committees of the Congress on this determination.

(b) The Director shall, on an annual basis, submit ~~make recommendations~~ to the President, the National Security Council, and the appropriate committees of the Congress a report describing ~~regarding~~ the relationships among ~~the~~ national intelligence activities and other intelligence and intelligence-related activities and shall include in * whether any intelligence or intelligence-related activity not specifically defined as a national intelligence activity ~~under~~ by this title should be determined by the President, pursuant to subsection (a) of this section, to be a national intelligence activity.

To be changed

* such report the Director's recommendations with respect to whether any changes should be made in those relationships and

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